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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,692	09/19/2001	Tauqir Ahmed	Y1.0048	9755
29438	7590	10/09/2003	EXAMINER	
MATHEW R. P. PERRONE, JR. 210 SOUTH MAIN STREET ALGONGUIN, IL 60102-2639			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,692

Applicant(s)

AHMED ET AL.

Examiner

Laura C Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 5,6,8,10-12 and 16-18 is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-18, drawn to a cleanup device, classified in class 15, subclass 257.01.
 - II. Claims 19-20, drawn to a method for cleaning, classified in class 134, subclass 6.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case there are other methods for using the product of Group I such as doing the steps in a different order such as determining the cleanup method before moving the cleanup device, eliminating certain steps, such as removing the locking the device.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

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During a telephone conversation with Mathew R. P. Perrone, Jr. on 25 September 2003 a provisional election was made with traverse to prosecute the invention of the cleaning device (group I), claims 1-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "hook (212)" on Page 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "210" has been used to designate both skirt and mounting cloth (see Page 11). A proposed drawing correction or corrected drawings are required

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in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is less than 50 words in length. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 10-12 are objected to because of the following informalities:

Claim 10 Line 4 the phrase "the skirt" lacks antecedent basis in the claims.

6. Claims 14-18 are objected to because of the following informalities:

Claim 14 Line 2 it appears that "(h)" was a typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 requires a dolly and a (removable) waste container, Claim 2 requires an interior compartment (to receive cleaning material), and Claim 4 requires a drum. It isn't clear from the drawings or specification that there are three "containers." Are the waste container and the drum the same thing?

Claim 13 requires a dolly and a (removable) waste container, Claim 14 requires an interior compartment, and Claim 15 requires a drum. . It isn't clear from the drawings or specification that there are three "containers." Are the waste container and the drum the same thing?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurt, USPN 6,315,310.

Hurt discloses a cleanup device that comprises a dolly (all Figures, see specifically Figures 4-5) and a waste container (22), the dolly being adapted to support at least one tool (32 or 33), the dolly being movable (handle and casters (15)), the dolly being releasably securable at the desired position (Column 4 Lines 36-45), the waste container being removable secured to the dolly (Column 3 Lines 35-41), the dolly being supported on a set of casters (15), the casters supporting the cleanup device (see Figures), the set of casters providing mobility (see above), the dolly including an interior compartment (Figure 2 inner walls of (18)) which is adapted (by means of the container (22)) to receive cleaning material.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Murrell, USPN 2,584,219.

Murrell discloses the claimed invention including a dolly (7) and a waste container (5 or 23), the dolly being adapted to support at least one tool (22 and 15), the dolly being movable (by casters (7a)), the dolly being securable at the desired position (when casters stop rolling on a flat surface), the waste container removable secured to the dolly (drawer (23) slides open by handle (25)), the dolly is supported by casters (7a)

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that support the cleanup device (Figures 1-3) and provide mobility, the dolly including an interior compartment (the waste container (23) or inside walls of (5) or inside walls of base (7)), the dolly having a side opening (drawer (23 and 25) and a top opening (11, 12, 13, 16, 17; Figures 1-2), the side opening serving to permit the removal of cleaning material therefrom (Column 2 Lines 52-54), the top opening serving to permit addition of cleaning material to the dolly (Column 2 Lines 42-52), and the dolly having a generally polygonal shape (rectangular, Figures 1-2).

10. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabban, USPN 4,404,704.

Rabban discloses the claimed invention including a dolly (Figure 4) and waste container (38 or 40), the dolly being adapted to support at least one tool (28), the dolly being movable to or from the desired position (wheels (30)), the dolly being releasably securable at the desired position (Column 2 Lines 44-51), the dolly being supported on a set of casters (30), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment supported on the set of casters (inner walls of dolly shown in Figure 4 or (34) or (36)) being adapted to receive material.

11. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Webb, USPN 1,491,251.

Webb discloses the claimed invention including a dolly (1) and waste container (drawers (11,12, or 13) or pail (4) or container (24)), the dolly being adapted to support at least one tool (22), the dolly being movable to or from the desired position (wheels (2)), the dolly being releasably securable at the desired position (Page 1 Lines 96-110),

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the dolly being supported on a set of casters (2 or 25), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment supported on the set of casters (drawers (11,12, or 13) or inner walls of (3), see Figures 1-4) being adapted to receive material, the dolly having a side opening (drawers open to the sides) and a top opening (18 and 19, Page 1 Lines 72-78) to permit removal of cleaning material (from pail) or to add cleaning material (to the pail), and the dolly having a generally polygonal shape (rectangular, see Figures). The dolly has at least one shelf on one side to provide a tool support (22), an indentation adapted to receive a drum (pail (4)) being adjacent the top opening ((5); Figures 1 and 5), the top opening being closable by the drum in the indentation.

12. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al., USPN 6,006,397.

Williams et al. disclose the claimed invention including a dolly (Figure 4 (2)) and a removable waste container (1), the dolly being adapted to support at least one tool ((60); Column 3 Lines 42-44), the dolly being movable to or from the desired position (wheels (46)), the dolly being releasably securable at the desired position (by handle and wheels), the dolly being supported on a set of casters (46), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment supported on the set of casters (inner walls of dolly shown in Figure 4 (42)) being adapted to receive material.

13. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rasmussen et al., USPN 3,788,662.

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Rasmussen et al. disclose the claimed invention including a dolly (Figure 1) and a removable waste container (82), the dolly being adapted to support at least one tool (Figures 3-4, (28 and 48), the dolly being movable to or from the desired position (wheels (64 and 78)), the dolly being releasably securable at the desired position (by handle and wheels), the dolly being supported on a set of casters (64 and 78), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment supported on the set of casters (Figure 5 (50)) being adapted to receive material (Column 3 Lines 23-31).

14. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker, USPN 1,176,978.

Parker discloses the claimed invention including a dolly (Figure 6) and waste container (20 or 22), the dolly being adapted to support at least one tool (26), the dolly being movable to or from the desired position (wheels (15)), the dolly being releasably securable at the desired position (by wheels and handle (10)), the dolly being supported on a set of casters (15), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment supported on the set of casters (inner walls of dolly shown in Figure 4 or (20) or (22)) being adapted to receive material.

15. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Clement, Jr. et al., USPN 6,176,500.

Clement, Jr. et al. discloses the claimed invention including a dolly (Figure 1) and a waste container (drawers (66) or bucket (24)), the dolly being adapted to support at least one tool ((66); Column 4 Lines 47-50), the dolly being movable to or from the

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desired position (casters (70)), being releasably secured (Column 4 Lines 56-63), a removable waste container (24), a set of casters (70), the casters providing mobility to the cleanup device (see above), the dolly including an interior compartment (inner walls of (18) or drawers (66)) that is adapted to receive a cleaning material (by way of the bucket (24)).

16. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Neal, USPN 6,419,246.

Neal discloses the claimed invention including a dolly (Figure 2) and a waste container (28), the dolly being adapted to support at least one tool (110), the dolly being movable (by wheels (44)), releasably securable as it is moved by the wheels and handle, the waste container being removably secured to the dolly (56), the dolly being supported on a set of casters (45), the set of casters supporting and providing mobility to the cleanup device, an interior compartment (inside of ring (22) being adapted to receive cleaning material (via container (28))).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb, USPN 1,491,251 in view of Bailey, USPN 3,399,903.

Webb discloses all elements above, however does not disclose a skirt being mounted on the drum.

Bailey provides a teaching that there is a lid (37) on the drum container (10) for keeping debris (or cleaning material) from escaping the container and affecting the environment surrounding it.

It would have been obvious for one of ordinary skill in the art to place a lid on the drum (4) of Webb as Bailey teaches so that the material doesn't escape the contained area of the drum thereby preventing harmful substances from ruining its outside environment.

18. Claims 9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb, USPN 1,491,251 in view of Fennell, USPN 4,687,246.

Webb discloses all elements above, however the casters of Webb do not include a pair of them that are lockable and a pair that are free casters.

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Fennell discloses a caster that includes the teaching of a dolly having a polygonal shape and interior compartments, wherein two of the wheels at opposite ends comprise locking casters to ensue stability of the rolling unit.

It would have been obvious to replace the wheel/caster assembly of Webb for the one that Fennell teaches so that the dolly truck will be more stable in use.

Allowable Subject Matter

19. Claims 5, 6, 8, 10-12, and 16-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

20. Claims 5, 6, 8, 10-12, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art discussed above provide a shelf cooperating with the mounted gripping device on the drum or the mounted gripping device being located on the skirt. None of the prior art discussed above provides a flexible closure adapted to cover a side opening and wherein that closure is secured to an edge of the side opening.

Conclusion

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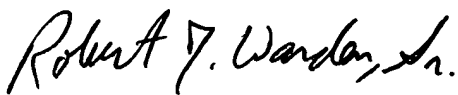
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (703) 305-7279. The examiner can normally be reached on Monday-Thursday, 7am - 4:30pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


LCC

26 September 2003


ROBERT J. WARDEN, SR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700